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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Thirtieth session

Summary record of the 635th meeting
Held at Headquarters, New York, on Thursday, 15 January 2004, at 3 p.m.

Chairman: Ms. Açar

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***Combined initial and second periodic report of Kuwait* (*continued*)**

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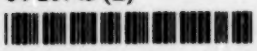

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second report of Kuwait (*continued*) (CEDAW/C/KWT/1-2)

1. *At the invitation of the Chairperson, the members of the delegation of Kuwait took places at the Committee table.*

Article 10

2. **Mr. Flinterman**, referring to the constitutional guarantee of the right to education to all Kuwaitis and provisions under the Compulsory Education Act No. 11 of 1965 for compulsory education for male and female Kuwaiti children, asked the delegation to explain the position with respect to non-Kuwaiti residents. He was struck by the fact that the number of non-Kuwaiti residents enrolled in all forms of education was far below that of Kuwaitis, and was therefore curious to know what rights to education non-Kuwaitis, particularly non-Kuwaiti women, enjoyed.

3. **Ms. Saiga** asked for an explanation of the headings "first class" and "second class" as they appeared in the tables presented on page 49 of the report. She was also interested to know how gender roles were presented in textbooks used in Kuwaiti schools.

4. **Ms. Tavares da Silva** noted the impressive number of women participating at all levels of the education system. Nevertheless, it appeared that although women represented the vast majority of students and graduates in most areas, the majority of teachers were men. Was that not clear evidence that were obstacles preventing women from obtaining teaching posts, and that such positions were not necessarily granted on the basis of merit?

5. **Ms. Schöpp-Schilling** asked whether there was co-education at the primary and secondary levels. She also wondered how female teachers exercised their profession, and whether they were allowed to teach male students. She would also appreciate statistics on the proportion of men studying abroad, which, according to independent reports, was significant.

6. **Ms. Gaspard** pointed out that information provided under article 5 suggested that the education system reinforced the notion of separate roles for men and women in family life. She asked whether boys and girls were offered similar sporting activities, and whether the delegation could furnish statistics, in Kuwait's next report, on the participation of Kuwaiti sportswomen in international competition.

Article 11

7. **Ms. Achmad** expressed concern over the implementation of article 11, paragraph 2 (c), of the Convention, given the crucial role of family life to human development. It was particularly important for both parents within a family to reconcile work and family responsibilities in a mutually supportive framework.

8. As Kuwait was one of the largest employers of women as migrant workers, she enquired whether the Government had enacted legislation to protect such workers. In that vein, she wished to know to what extent Kuwait participated in regional activities aimed at promoting the rights of migrant workers, implemented programmes of social, economic or legal support or applied minimum labour standards to that end.

9. With regard to the Private Sector Employment Act No. 38, she asked for clarification of the reasons for prohibiting the employment of women at night, and enquired about the conditions of employment for women who were exempt from that prohibition.

10. **Ms. Coker-Appiah** asked for additional information on the protection of migrant workers, particularly domestic workers, under the Private Sector Employment Act. Drawing attention to the need to harmonize legislation pertaining to social benefits, she asked whether, in terms of reproductive rights, additional leave could be granted to women working in the private sector, as was the case for public service workers.

11. **Ms. Khan** noted the impressive level of education of women in Kuwait, but pointed out that the sectors in which they were employed were not indicated in the report. She therefore wished to know the employment rate of women, the wage structure applicable to the hiring of women and the incidence of wage discrimination.

12. With respect to the exceptions made to the prohibition on the employment of women for night

work, she noted that some of those exceptions pertained to workplaces that placed women in vulnerable situations. She asked whether the workers in those areas were predominantly foreign, and whether the delegation could comment on reports reaching the Committee of the critical working conditions under which foreign domestic workers operated in Kuwait. Regarding the high level of participation of women, particularly of reproductive age, in the labour force, she asked whether the majority of such working women were migrant workers or Kuwaitis. She would also appreciate further information on women in the informal and service sectors.

13. **Ms. Patten** asked the delegation to provide information indicating the occupational categories in which women were employed. She asked whether there was any discrepancy in wages paid to men, who did not benefit from the special legislation regulating working conditions applicable to women, and whether the special legislation applied to non-Kuwaiti women.

14. Page 55 of the report stated that various laws had been enacted to encourage Kuwaiti women to work "in a way that did not conflict with their main role in the eyes of society as mothers and carers of the young". Such an approach reinforced stereotyping, and had implications in terms of equal opportunity and free choice of employment. She suggested that Kuwait should review its obligations under article 11.

Article 12

15. **Ms. Popescu Sandru** noted that there was no clear reference in the report of equal access to health and medical care services for men and women. She also wished to know whether non-Kuwaiti women were in any way restricted in their access to such services.

16. She would welcome statistics comparing the incidence of infectious diseases and morbidity between men and women, particularly with respect to cancer, tuberculosis and sexually-transmitted diseases. She commended the Government of Kuwait on the establishment of the National AIDS Committee and its programmes in that area, and said it would be useful to have additional information on the prevalence of the disease and on the proportion of women affected, in comparison with men. Turning to the issue of female circumcision, she asked whether, despite the statement that such traditional practices harmful to the health of women were unknown in Kuwait, there were cases of female circumcision among the non-Kuwaiti population. In the event that such practices existed, she asked what measures the Government had taken to prevent them.

Article 15

17. **Ms. Gnancadja** noted that the report contained a good deal of information on legislation, but very little on practice. She requested clarification of the age of legal capacity for men and women. It appeared from the report that a man who married at the minimum age of 17 would have the right to carry out legal transactions, while a woman would have to wait until she reached majority at 21 even if she was married.

18. **Ms. Kapalata** asked for gender-disaggregated data on the number of human rights violations before the courts. She also wished to know whether the requirement of a waiting period before remarriage after divorce was imposed on men as well as women.

Article 16

19. **Ms. Šimonovic** asked for an explanation of why the minimum age for marriage was different for men and women, whether the grounds for divorce were the same for both and whether the spouses had an equal voice in the management of marital property.

20. **Ms. Gnancadja** said that under civil law, the consent of the woman's guardian was required for marriage, in addition to the consent of both parties. She wondered whether that consent was still required for a woman over the age of majority. It appeared to her that a young woman married at the age of 15 remained in a form of legal limbo until she turned 21, and would appreciate reassurance from the delegation that she would be accorded the same rights as her husband.

21. **Ms. Schöpp-Schilling** said that a more detailed description of the content of the Personal Status Act was needed. In particular, she would like to know whether a man must have the consent of his guardian to marry if he had reached the age of majority. She did not understand the reservation to article 16 (f) and would like to know whether it could be withdrawn. With regard to family violence, she drew attention to General Recommendation No. 19, and asked whether there was any punishment for violence by a husband against his wife.

22. **Ms. González Martínez** said that she was concerned at the lack of application of article 16 and drew attention to General Recommendation No. 21 on equality in marriage and family relations. She asked for more information on the grounds men could present for annulment or divorce, the legal protection available for women and how custody of children was determined.

23. **Ms. Morvai** said that early marriage posed a serious obstacle to women's education, an area which the Government of Kuwait had always emphasized. The minimum age of marriage should be raised to 18 for both men and women, in line with the Convention on the Rights of the Child, which Kuwait had ratified.

24. She would like to know whether any programmes existed to promote men's involvement in child-rearing and family life, and whether the constitutional provisions for the protection of mothers and children also included protection against poverty. The feminization of poverty was a phenomenon that existed even in rich countries like Kuwait.

The meeting rose at 4 p.m.